

REMARKS

Claims 1-30 are currently pending in the subject application and are presently under consideration. The specification has been amended as indicated on page 2 of Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 2, 4, 5, 7, 10-15, 18-30 Under 35 U.S.C. §102(e)

Claims 1, 2, 4, 5, 7, 10-15, 18-30 stand rejected under 35 U.S.C. §102(e) as being anticipated by Hite *et al.* (US Patent 7,213,061 B1). Hite *et al.* does not teach each and every element of the claimed subject matter as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes *each and every limitation* set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *The identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added).

The claimed subject matter relates to systems and methods that provide web-based access to a device residing on a non-TCP/IP network within an industrial environment. In particular, independent claim 1 and 13 recite *a component that discovers devices on disparate networks within industrial control systems, comprising: an interface component that couples at least one TCP/IP-based network with one or more non-TCP/IP-based networks; and, a service component that searches the at least one TCP/IP-based network and the one or more non-TCP/IP-based networks for devices and returns information indicative of discovered devices and a portal that provides Web communication with industrial devices residing on TCP/IP and non-TCP/IP networks, comprising: a proxy component that facilitates access to the TCP/IP and non-TCP/IP networks; and an engine that discovers industrial devices residing on the TCP/IP and non-TCP/IP networks and provides information related to the industrial devices, the information can be utilized in connection with the proxy to communicate with the*

industrial devices, with respect to independent claims 1 and 13, respectively. Hite *et al.* does not teach or suggest the aforementioned novel aspects of applicants' claimed subject matter.

Hite *et al.* provides for systems and methods for internet control system. The control system includes a device, a network interconnecting the device, a control network portal coupled between the network and the internet and a master controller coupled to the network and operable to control the operations of the internet and the device. The internet is controllable by a user input entered on a user interface.

At page 2 of Office Action, Examiner erroneously asserts that Hite *et al.* teaches an *interface component that couples at least one TCP/IP-based network with one or more non-TCP/IP-based networks*, with respect to independent claim 1. The cited portion of reference (Hite *et al.*) provides for a control area network portal including a web server coupled to the internet. The web server is coupled to an internet appliance (IA) server, which is coupled to a control network server. The control network server is coupled to control area network that links several appliances and systems such as fire protection system, heating, ventilation and air conditioning, lighting systems and security systems. Control area network is also coupled to user interface devices and master controller (See, Fig. 2, Col. 5, lines 6-15). The web server of control area network portal is coupled to the internet appliance server through a TCP/IP based network. The internet appliance server is also coupled to the control network server through TCP/IP based network. The control network server is also coupled to the control area network through TCP/IP based networks only (See, Fig. 2). Hence Hite *et al.* provides for an interface component that couples with TCP/IP based networks only. However Hite *et al.* does not contemplate an interface component that couples at least one TCP/IP-based network *with one or more non-TCP/IP-based networks*. Through this feature, the claimed subject matter facilitates providing web-based access to components (*e.g.*, devices, systems, computers, *etc.*) residing on non-TCP/IP based networks also in addition to TCP/IP-based networks. The claimed subject matter provides a novel interface that enables web functionality with non-TCP/IP-based networks (*e.g.*, *via* software) and that facilitates web-based communication with components residing on the non-TCP/IP-based networks

At page 3 of the Office Action, the Examiner again erroneously asserts that Hite *et al.* teaches a *service component that searches the at least one TCP/IP-based network and the one or more non-TCP/IP-based networks for devices and returns information indicative of discovered*

devices, with respect to independent claim 1. The cited portion of reference (Hite *et al.*) provides for a master controller that controls communication among user interface and internet appliances. The master controller periodically polls each device in control area network to monitors its status and displays status on control area network user interfaces (See, Col. 3, lines 21-30). Commands entered at a web browser are sent to web server, which relays the commands to master controller via IA server and control network server. The master controller instructs appropriate appliances in the control network to act according to the received command (See, Col. 5, lines 33-37). Hence Hite provides for a master controller displaying status of each device in the control area network user interfaces and accepting commands from the web browser to instruct appropriate appliances in the control network to act according to the received command. However it is respectfully submitted that the master controller is coupled to the control area network through TCP/IP based networks. Also, the control area network, control network server, IA server and Web server are also coupled with each other through TCP/IP based networks only (See, Fig. 2). The user enters and submits data on an internet application such as a web browser. The internet application then requests connection to the control system by specifying an IP address and port number of the recipient device (See, Col. 8, lines 10-25). Hence Hite *et al.* provides for searching TCP/IP based networks only. However, Hite *et al.* does not contemplate a service component that searches the at least one TCP/IP-based network *and the one or more non-TCP/IP-based networks* for devices and returns information indicative of discovered devices. Similarly, Hite fails to teach or suggest *a proxy component that facilitates access to the TCP/IP and non-TCP/IP networks*; and an engine that *discovers industrial devices residing on the TCP/IP and non-TCP/IP networks* and provides information related to the industrial devices, the information can be utilized in connection with the proxy to communicate with the industrial devices. Through this feature, the claimed subject matter facilitates discovering available TCP/IP and *non-TCP/IP-based networks and networked components*, and facilitates conveyance of information between such components. The claimed system provides for web-based interaction with *non-TCP/IP-based networks and/or components* and web-based capabilities within the industrial environment (*e.g., plants, manufacturing facilities, etc.*) to monitor, control, configure and communicate with industrial components (*e.g., controllers, modules, etc.*) residing on *non-TCP/IP-based networks*.

Accordingly, applicants' representative respectfully submits that Hite *et al.* fails to teach

or suggest all limitations of applicants' claimed subject matter as recited in independent claims 1, 13, 23, 27 and 30 (and claims that depend there from). Consequently, this rejection should be withdrawn.

II. Rejection of Claims 3, 6, 16 and 17 Under 35 U.S.C. §103(a)

Claims 3, 6, 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hite *et al.* in view of official notice. It is respectfully requested that this rejection be withdrawn for at least the following reasons. Hite *et al.* does not teach or suggest all aspects set forth in the subject claims. In particular, official notice does not make up for the aforementioned deficiencies of Hite *et al.* with respect to independent claim 1 and 13 (which claims 3, 6 and 16, 17 depend from). Thus, the subject invention as recited in the claims 3, 6, 16 and 17 is not obvious over the combination of Hite *et al.* and official notice. Accordingly, it is respectfully submitted that this rejection should be withdrawn.

III. Rejection of Claims 8 and 9 Under 35 U.S.C. §103(a)

Claims 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hite *et al.* in view of Barber *et al.* (US Patent 6,744,771). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Hite *et al.* does not teach or suggest all aspects set forth in the subject claims. In particular, Barber *et al.* does not make up for the aforementioned deficiencies of Hite *et al.* with respect to independent claim 1 (which claims 8-9 depend from). Thus, the subject invention as recited in the claims 8 and 9 is not obvious over the combination of Hite *et al.* and Barber *et al.* Accordingly, it is respectfully submitted that this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP329USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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